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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,841	09/09/1999	SCOTT J. BROUSSARD	AT9-99-319	1862

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EXAMINER

QURESHI, SHABANA

ART UNIT PAPER NUMBER

2155

DATE MAILED: 07/09/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/392,841

Applicant(s)

BROUSSARD, SCOTT J. 

Examiner

Shabana Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

*In response to the Appeal Brief filed 06 April 2004, prosecution has been reopened.*

*Claims 1-16 are pending in this office action.*

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5, 9-10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Levergood et al<sup>1</sup>.

Regarding claim 1, Levergood teaches a method for a distributed audio server (page 1, paragraph 3 – page 2, paragraph 2), the method comprising the computer implemented steps of:

- Generating audio data (page 2, paragraph 6);
- graphic data is sent to a display server on a client machine specified by a display environment variable (page 23, paragraph 4); and
- audio data is sent to an audio server on the client machine specified by an audio environment variable or an audio command line parameter (page 23, paragraph 4) in a platform-independent application (page 4, paragraph 2).

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<sup>1</sup> Levergood, Thomas, et al., "AudioFile: A Network -Transparent System for Distributed Audio Applications", Cambridge Research Laboratory, June 11, 1993.

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Regarding claim 4, Levergood teaches a method of a distributed audio server (page 1), the method comprising computer-implemented steps of:

- Generating audio data in platform-independent application (page 4, paragraph 2; here Levergood teaches that AudioFile does not require specialized protocols or multithreaded environments).
- in response to receiving audio data at an audio driver, determining whether and audio environment variable is defined or an audio command line parameter is defined (page 23, paragraph 4); and
- if an audio environment variable or an audio command line parameter is defined, sending the audio data to an audio server on a client machine specified by the audio environment variable or by the audio command line parameter (page 23, paragraph 4).

Regarding claim 5, Levergood further teaches:

- generating graphic data in the platform-independent application (page 4, paragraph 2); and
- sending the graphic data to a display server on the client machine specified by a display environment variable (page 23, paragraph 4).

Regarding claim 9, Goetz taught a data processing system for a distributed audio server (abstract), the data processing system comprising:

- first generating means for generating audio data in a platform-independent application (page 4, paragraph 2);

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- determining means for determining, in response to receiving audio data at an audio driver, whether an audio environment variable or an audio command line parameter is defined (page 23, paragraph 4); and
- first sending means for sending, in response to a determination that an audio environment variable or an audio command line parameter is defined, the audio data to a platform-independent audio server on a client machine specified by the audio environment variable or by the command line parameter (page 4, paragraph 2; page 23, paragraph 4).

Regarding dependent claim 10, Levergood teaches:

- second generating means for generating graphic data in the platform-independent application (page 23, paragraph 4); and
- second sending means for sending the graphic data to a display server on the client machine specified by a display environment variable (page 23, paragraph 4).

Regarding claim 14, Levergood discloses a computer program product on a computer readable medium for use in a data processing system for a distributed audio server (page 1), the computer program product comprising:

- instructions for generating audio data and graphic data in a platform independent application (page 23, paragraph 4);
- instructions for sending the graphic data to a display server on a client machine specified by a display environment variable (page 23, paragraph 4); and

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- instructions for sending the audio data to a platform independent audio server (page 4, paragraph 2) on the client machine specified by an audio environment variable or by an audio command line parameter (page 23, paragraph 4).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 6-8, 11-13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al<sup>2</sup>.

Regarding claim 2, Levergood teaches that AudioFile is written in platform-independent C language. However, Levergood suggests in paragraphs 4 and 5 that other languages that are device-independent were considered to implement the AudioFile system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claim 1 in the Java programming language.

Regarding claim 3, Levergood teaches that the AudioFile system was designed for an X-Windows like platform (page 1, paragraph 6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use X-Windows for the AudioFile system.

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<sup>2</sup> Levergood, Thomas, et al., "AudioFile: A Network -Transparent System for Distributed Audio Applications", Cambridge Research Laboratory, June 11, 1993.

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Regarding dependent claim 6, Levergood teaches that AudioFile is written in platform-independent C language. However, Levergood suggests in paragraphs 4 and 5 that other languages that are device-independent were considered to implement the AudioFile system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claim 1 in the Java programming language.

Regarding dependent claim 8, Levergood teaches that the graphic data and the audio data are synchronized (page 6, lines 2-4).

Regarding dependent claim 11, Levergood teaches that AudioFile is written in platform-independent C language. However, Levergood suggests in paragraphs 4 and 5 that other languages that are device-independent were considered to implement the AudioFile system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claim 1 in the Java programming language.

Regarding dependent claim 13, Levergood discloses taught the graphic data and the audio data are synchronized (page 6, lines 2-4).

Regarding dependent claim 15, Levergood teaches that AudioFile is written in platform-independent C language. However, Levergood suggests in paragraphs 4 and 5 that other languages that are device-independent were considered to implement the AudioFile system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claim 1 in the Java programming language.

Claims 7, 12 and 16 are rejected on the same rationale.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (703) 308-6118. The examiner can normally be reached on Monday - Friday, 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shabana Qureshi  
Examiner  
Art Unit 2155

12 January 2004

  
ZARNI MAUNG  
PRIMARY EXAMINER